



Gary R. Stanton
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July 11, 2005

Honorable Peter B. Foor
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Avenue
Fairfield, CA 94533

Sheriff's Response to the 2004/2005 Solano County Grand Jury Report: An Analysis of Law Enforcement use of Tasers in Solano County "How Much Force Is Enough"

The findings of the Solano County Grand Jury pertain to Solano County Law Enforcement in general, and do not specifically identify individual law enforcement agencies. With respect to the findings and recommendations of the Solano County Grand Jury, the responses of the Sheriff apply solely to the Sheriff's Office.

Finding #1: Based on the police taser reports submitted to the Grand Jury and witnesses' testimony, it appears that Solano County Law Enforcement policies in general focus more on using the taser rather than under what circumstances Tasers are to be used.

Recommendation #1: Even though police agencies like Vallejo, Fairfield and Dixon have better written policies and procedures, all law enforcement agencies in Solano County should reevaluate their EMDT procedures and consider the IACP nine-step deployment strategy.

Response: The Sheriff concurs with the finding of the Grand Jury. The Sheriff's Office policy and procedure is purposely focused on deployment of the taser. When an officer should not use a taser is taught during training and is included in the training curriculum. It will not be difficult for the Sheriff's Office to incorporate some general guidelines in our policy and procedure identifying under what circumstances a taser should not be deployed. We will examine the IACP nine-step deployment strategy and evaluate this document for potential use in developing a more comprehensive taser use policy.

The recommendation has not yet been implemented, but will be implemented in the future. Once a draft policy has been written it will require review by County Counsel and the County Risk Manager prior to implementation. My expectation is that we will have the review completed and a more comprehensive policy in place on or before October 1, 2005.

Finding #2: In reviewing the taser reports submitted, there were some use of the devices that appeared to violate the individual department's written policies and procedures.

Recommendation #2: Agencies should write clear and concise policies and procedures to address the used of EDMT, including methods for measuring success and reporting incidents.

Response: The Sheriff concurs with the finding of the Grand Jury. All use of force by members of the Solano County Sheriff's Office is subject to mandatory reporting and review by supervisory and management staff. Having recently examined the use of force reporting process and the reports written, I have found that some reports do not accurately reflect all of the circumstances present that resulted in the officer's decision to deploy the Taser. To those less experienced in examining or investigating the use of force, it may appear that a violation of policy and procedure exists, when in fact the officer had good cause to deploy the Taser, however; the officer simply failed to adequately articulate the need to deploy the Taser. We will be addressing this as a training issue.

The recommendation has not yet been implemented, but will be implemented in the future. The existing Sheriff's Office process for reviewing use of force incidents is somewhat informal and does not adequately provide a comprehensive review. Management staff have been tasked with developing a specific "use of force" report form and a formal process for the periodic review of incidents involving use of force. My expectation is that staff will have this task completed on or before October 1, 2005.

Finding #3: Based on some interviews and reports, some agencies condone the use of EDMT for compliance.

Recommendation #3: The Grand Jury strongly recommends that the police explicitly state the guidelines where and when an EDMT can be used and when it should not be used (such as compliance or punishment).

Response The Sheriff agrees with the finding, however; does not entirely agree with the Grand Jury's recommendation. We have found it is occasionally necessary for correctional officers to use force to overcome resistance by violent inmates. Our experience has shown that under these circumstances, a physical confrontation between inmate and officers is likely to result in significant injury to both. The application of a debilitating spray like OC can result in the unintentional contamination of a large area housing multiple inmates, thus it is inappropriate or ineffective in many custody situations. Under certain circumstances deployment of a Taser may be the most appropriate choice in support of regaining control of a violent inmate.

With respect to the use of the Taser as punishment, it is not the role of law enforcement to punish. Such use will not be condoned by this administration and the use of a taser for punishment would result in discipline, up to and including dismissal from employment.

Finding #4: Based on how the policy and procedures are written, incident reports and witnesses' statements, there is insufficient information to support a definitive finding in Law Enforcement's management of taser usage.

Recommendation #4: Agencies should reinforce in-house training by using some of the department's own taser reports as a training tool.

Response The Sheriff concurs with the finding of the Grand Jury and agrees that review of Taser incidents have value as a training tool.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary R. Stanton", with a long horizontal flourish extending to the right.

Gary R. Stanton
Sheriff/Coroner

cc: Charlene Ping, CAO